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NOTES

TRIAL BY JURY IN INDIRECT CRIMINAL CONTEMPTS

In 1941 the Supreme Court struck two telling blows at the summary power of a judge to punish indirect criminal contempts of court.¹ *Nye v. United States*²

¹ The conclusions of this note as to the right of trial by jury pertain to all indirect criminal contempts except those which consist of disobedience to any court order or decree. Indirect or constructive contempts are those which are not committed "in the presence of [the] courts, or so near thereto as to obstruct the administration of justice." 4 Stat. 487 (1831), 28 U.S.C.A. § 385 (1928); see *Charles Cushman Co. v. Mackesy*, 135 Me. 490, 494, 200 Atl. 505, 508 (1938). Criminal contempts are those in which the sentence imposed is not "remedial, and for the benefit of complainant . . . [but] punitive, to vindicate the authority of the court." *Gompers v. Bucks Stove & Range Co.*, 221 U.S. 418, 441 (1911). Although the lines of distinction may become tenuous, as in *United States v. United Mine Workers of America*, 67 S. Ct. 677 (1947), the above definitions will be satisfactory for the purposes of this note.

² 313 U.S. 33 (1941).